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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,156

11/12/2003

Erol Bozak

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04/09/2009

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EXAMINER

BARQADLE, YASIN M

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/712,156</p>	<p><b>Applicant(s)</b> BOZAK ET AL.</p>	
	<p><b>Examiner</b> YASIN M. BARQADLE</p>	<p><b>Art Unit</b> 2456</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1,3-8,19,21,23 and 24.  
Claim(s) withdrawn from consideration: 9-18.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Yasin M Barqadle/  
Primary Examiner, Art Unit 2456

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues "There is no application process involved in this allocation of transmission paths."

The Examiner disagrees. Barrett teaches "The process of allocating and activating a multi-path channel group is initiated in response to a request from the user application 10 of FIG. 1. This process, carried out in the local MPC interface, initially attempts to allocate the local communications facilities into a logical transmission group satisfying the request. Each of the local sub-channels is validated for availability."

Barrett also teaches "The allocation and activation of the sub-channels of FIG. 4 is initiated at both the local user application 60 and the remote user application 81 and, indeed, can be initiated simultaneously at both user applications 60 and 81." (Col. 8, lines 49-64. See fig.4).

The Applicant also argues "Further, neither these passages, nor any other portion of Barrett includes any teaching or suggestion of "computational processing requirements" for the "XID" signals.

The Examiner disagrees. Barrett teaches "More particularly, a new set of exchange identification (XID) messages have been defined (to be discussed in connection with FIGS. 5 through 8) which provide the user with a set of functions which meet basic system interface requirements and, in addition, provide a set of optional user-defined data areas which can be used to implement application-specific requirements, some of which will be described below, but which include the negotiation of system parameters and the provision of user-supplied system verification (security) fields (e.g., encrypted passwords). The exchange of system parameters such as buffering size and control, data flow direction and higher level user protocol support permits efficient and rapid input-output data exchanges." Col. 6, lines 6-19. See also figures 4, 8-9).

Barrett further teaches "The XID-1 message has the format described in connection with FIGS. 5-6, carrying mandatory and optional information about the transmission paths requested. This XID-1 message is replicated and transmitted over each of the sub-channels of the requested multi-path channel group. Meanwhile, at the remote end of the transmission medium, a similar user application will be requesting a similar multi-path channel group from the remote MPC interface, but conforming to the specific requirements of the remote user application. Since these requirements may be different from the requirements of the local user application, some mechanism for negotiating the parameter to be used is required." (col. 10, lines 12-33)

Therefore, the combined teaching of Barrett and Bantz teach the limitation of "sending a request for data describing an application process in a grid computing environment, where in the data identifies the application process and the computing processing requirement.", as indicated in the final office action and further in the above response..